

Armed Forces have served since April 6, 1917, or shall hereafter serve, as the Commission shall determine. The Commission shall also erect and maintain works of architecture and art in such American cemeteries located outside of the United States, its Territories, and possessions, as have been or may hereafter be declared to be permanent cemeteries. Works of architecture and art erected by the Commission in cemeteries within the United States, its Territories and possessions, shall be maintained by the Department of Defense.

The Commission shall control as to materials and design and provide regulations for, and supervise the erection of, all memorial monuments and buildings in American cemeteries located outside the United States, its Territories, and possessions.

The Commission shall control as to design and provide regulations for the erection of all memorial monuments and buildings commemorating the services of the American Armed Forces erected in any foreign country or political division thereof which may authorize the Commission to perform such functions.

(Mar. 4, 1923, ch. 283, §3, formerly §2, 42 Stat. 1509; June 26, 1946, ch. 502, 60 Stat. 317; renumbered §3 and amended July 25, 1956, ch. 721, §§2(b), 3(b), 70 Stat. 640, 641.)

#### AMENDMENTS

1956—Act July 25, 1956, §3(b), amended section generally, requiring maintenance of works of architecture and art by the Department of Defense and striking out provisions which gave the Commission control over memorial monuments and buildings upon federally owned or controlled property in the United States or in its Territories and possessions, except national cemeteries.

1946—Act June 26, 1946, extended authority and field of operations of Commission to cover all battlefields and cemeteries throughout the world.

#### TRANSFER OF FUNCTIONS

Functions of War Department [now Department of the Army] pertaining to national cemeteries and memorials located in foreign countries transferred to American Battle Monuments Commission by Ex. Ord. No. 6614, Feb. 26, 1934. Ex. Ord. No. 6690, Apr. 25, 1934, provided that Ex. Ord. No. 6614 should become effective May 21, 1934.

Transfer of administration of national monuments to National Park Service, see Ex. Ord. No. 6166, §2, June 10, 1933, set out as a note under section 901 of Title 5, Government Organization and Employees.

#### SURRENDER TREE SITE IN SANTIAGO, CUBA

Pub. L. 85-125, Aug. 13, 1957, 71 Stat. 344, provided: "That the American Battle Monuments Commission is responsible for the care and maintenance of the Surrender Tree site in Santiago, Cuba. This Act takes effect on the next July 1, after the date of its enactment [Aug. 13, 1957]."

#### CROSS REFERENCES

National and international monuments and memorials generally, see section 431 et seq. of Title 16, Conservation.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 121, 122b, 125, 127, 128, 138a, 138b of this title.

### § 124. Approval of designs for memorials

Before any design for any memorial is accepted by the Commission, it shall be approved by the National Commission of Fine Arts.

(Mar. 4, 1923, ch. 283, §4, formerly §3, 42 Stat. 1510; June 26, 1946, ch. 502, 60 Stat. 317; renumbered §4 and amended July 25, 1956, ch. 721, §§2(b), 3(c), 70 Stat. 640, 641.)

#### AMENDMENTS

1956—Act July 25, 1956, §3(c), amended section generally, striking out provisions which required prior approval of materials for memorials.

1946—Act June 26, 1946, reenacted section without change.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 121, 125, 127, 128, 138a, 138b, 1381e of this title.

### § 125. Erection of war memorials

#### (a) Cooperation with States, etc.

The Commission is authorized to cooperate with American citizens, States, municipalities, or associations desiring to erect war memorials outside the continental limits of the United States in such manner as may be determined by the Commission: *Provided*, That no assistance in erecting any such memorial shall be given by any administrative agency of the United States unless the plan has been approved in accordance with the provisions of sections 121, 122b to 125, 127, 128, 131, 132, and 138 to 138b of this title.

#### (b) Control, administration, and maintenance of war memorials by Commission

(1) The Commission is authorized, in its discretion, to assume responsibility for the control, administration, and maintenance of any war memorial erected before, on, or after the effective date of this subsection outside the United States by an American citizen, a State, a political subdivision of a State, any other non-Federal governmental agency, foreign agency, or private association to commemorate the services of any of the American Armed Forces in hostilities occurring since April 6, 1917, if (A) the memorial is not erected on the territory of the former enemy concerned, and (B) the sponsors of the memorial consent to the Commission assuming such responsibilities and transfer to the Commission all their right, title, and interest in the memorial. If reasonable effort fails to locate the sponsors of a memorial, the Commission may assume responsibility therefor under this subsection by agreement with the appropriate foreign authorities. A decision of the Commission to assume responsibility for any war memorial under this subsection is final.

(2) Any funds accumulated by the sponsors for the maintenance and repair of a war memorial for which the Commission assumes responsibility under this subsection may be transferred to the Commission for use in carrying out the purpose of sections 121, 122b to 125, 127, 128, 131, 132, and 138 to 138b of this title. Any such funds so transferred shall be deposited by the Commission in the manner provided for in section 128 of this title.

**(c) Demolition of war memorials erected on foreign soils and other functions of Commission**

The Commission is authorized to take necessary measures to demolish any war memorial erected on foreign soil by an American citizen, a State, a political subdivision of a State, any other non-Federal governmental agency, foreign agency, or private association and to dispose of the site of such memorial in such manner as it deems proper, if—

- (1) the appropriate foreign authorities agree to such demolition; and
- (2) the sponsors of the memorial consent to such demolition; or
- (3) the memorial has fallen into disrepair and a reasonable effort on the part of the Commission has failed—
  - (A) to persuade the sponsors to maintain the memorial at a standard acceptable to the Commission, or
  - (B) to locate the sponsors.

**(d) “Sponsors” defined**

As used in this section, the term “sponsors” includes the legal successors to the sponsor.

(Mar. 4, 1923, ch. 283, §5, formerly §4, 42 Stat. 1510; June 26, 1946, ch. 502, 60 Stat. 318; renumbered §5, July 25, 1956, ch. 721, §2(b), 70 Stat. 640; Jan. 2, 1974, Pub. L. 93-244, 87 Stat. 1070.)

REFERENCES IN TEXT

The effective date of this subsection, referred to in subsec. (b)(1), means the effective date of Pub. L. 93-244, which was approved Jan. 2, 1974.

AMENDMENTS

1974—Pub. L. 93-244 designated existing provisions as subsec. (a) and added subsecs. (b) to (d).

1946—Act of June 26, 1946, amended section generally. Former provisions of this section are now covered by section 127 of this title.

MAINTENANCE AND REPAIR OF PACIFIC BATTLE MONUMENTS

Pub. L. 103-160, div. A, title III, §369, Nov. 30, 1993, 107 Stat. 1634, provided that:

“(a) **AUTHORITY.**—The Commandant of the Marine Corps may provide necessary minor maintenance and repairs to the Pacific battle monuments until such time as the Secretary of the American Battle Monuments Commission and the Commandant of the Marine Corps agree that the repair and maintenance will be performed by the American Battle Monuments Commission.

“(b) **FUNDING.**—Of the amounts authorized to be appropriated to the Marine Corps for operation and maintenance in a fiscal year, not more than \$15,000 may be made available to repair and maintain Pacific battle monuments, except that of the amounts available to the Marine Corps for operation and maintenance in fiscal year 1994, \$150,000 may be made available to repair and relocate a monument located on Iwo Jima commemorating the heroic efforts of United States military personnel during World War II.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 121, 127, 128, 138a, 138b of this title.

**§ 125a. Erection of works in National Memorial Cemetery of the Pacific**

The Commission is authorized to erect such works of architecture and art in the National Memorial Cemetery of the Pacific as may be de-

termined by the Commission with the consent of the Secretary of the Army.

(June 24, 1954, ch. 359, title I, §101, 68 Stat. 275.)

CODIFICATION

Section was not repeated in any subsequent appropriation act, which made appropriations for the American Battle Monuments Commission.

The proviso that the Commission may reimburse other Government agencies, including the Armed Forces, for salary, pay, and allowances of personnel assigned to it, was omitted in view of section 122a of this title.

**§ 125b. Pacific War Memorial and other historical and memorial sites on Corregidor in Republic of the Philippines**

**(a) Operation by ABMC**

Subject to subsection (b) of this section and to the agreement referred to in such subsection, the American Battle Monuments Commission shall restore, operate, and maintain the Pacific War Memorial and other historical and memorial sites on Corregidor in the Republic of the Philippines.

**(b) Condition**

The Commission may carry out this section only after an agreement has been entered into between the Republic of the Philippines and the United States with respect to the restoration, operation, and maintenance of the Memorial and other historical and memorial sites referred to in subsection (a) of this section.

**(c) Personnel**

The Commission may employ personnel as may be necessary to carry out this section.

**(d) Use of other agencies**

Departments, agencies, and other instrumentalities of the United States are authorized to assist the Commission, on a reimbursable basis, in carrying out this section.

**(e) Funding**

The American Battle Monuments Commission shall carry out this section with private funds except to the extent funds are appropriated pursuant to subsection (h) of this section.

**(f) Authority to solicit funds**

For the purpose of carrying out this section, the Commission may solicit and accept private contributions and shall deposit such contributions in the fund established by subsection (g) of this section.

**(g) Fund**

(1) There is hereby established in the Treasury a fund which shall be available to the American Battle Monuments Commission only for carrying out this section. The fund shall consist of—

(A) amounts deposited into, and interest and proceeds credited to, the fund under paragraph (2); and

(B) obligations obtained under paragraph (3).

(2) The Chairman of the Commission shall deposit into the fund the amounts that are accepted under subsection (f) of this section. The Secretary of the Treasury shall credit to the fund the interest on, and the proceeds from sale or redemption of, obligations held in the fund.